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JUL 23 2007

ALVIN K. HELLERSTEIN

Honorable Alvin K. Hellerstein  
United States District Judge  
United State Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Crichlow v. DOC*  
07 CV 3222 (AKH)

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July 19, 2007

*motion for stay, and for  
consolidation, denied.  
Each case is likely to present  
significant differences  
1-23-07  
Alvin K. Hellerstein*

Dear Judge Hellerstein:

I am a deputy chief in this Office's General Litigation Division. I am writing to request that the Court consider the transfer of one case currently assigned to Judge Harold Baer, Jr., along with nine other virtually identical cases, on the grounds that Your Honor has the first of these cases to have been filed.

This afternoon, Judge Baer held a telephone conference with the parties in *Bush v. DOC*, 07 CV 4019 (HMB), a challenge by *pro se* plaintiff Darrell Bush to the conditions of his confinement at Rikers Island. Because the case had not yet been assigned to an attorney in my Division, and because there was no attorney familiar with the case (myself included), I participated in the conference on behalf of the defendants on a "stand-in" basis. In the context of that telephone conference, Judge Baer informed me that there were ten cases recently filed in the Southern District including Mr. Bush's – all substantially identical – and that he was inclined to consolidate the cases for ease of adjudication. Judge Baer set a follow-up conference for September 6, 2007 to determine whether all defendants had been served by that date, and to discuss how best to handle the cases from that point forward.

Following the conference, I read Mr. Bush's complaint, and immediately recognized it as virtually identical to a case, pending before Your Honor, that I had recently assigned to an attorney in this Office: *Kevin Damion Crichlow v. City of New York*, 07 Civ.

**MEMO ENDORSED**

3222 (AKH). It appears that Judge Baer was not aware of the case, as it was not on the list of cases provided to me by his law clerk. For the Court's convenience in comparing the two cases, I am attaching a copy of the *Bush* and *Crichlow* complaints.

Rule 15(c) of the Rules for the Division of Business Among District Judges provides, in pertinent part, as follows:

Any party believing its case to be related to another may apply on notice in writing to the judge assigned in its case for transfer to the judge having the related case with the lowest docket number. If the assigned judge believes the case should be transferred, he or she shall refer the question to the judge who would receive the transfer.

Given that *Crichlow*, with a docket number of 07 Civ. 3222, appears to be the first-filed action of all of the related actions identified to me by Judge Baer's law clerk, it would appear that all such cases should be transferred to Your Honor as related to *Crichlow*. The cases are the following:

<i>Davis v DOC</i>	07 Civ. 3484
<i>Brewster v. DOC</i>	07 Civ. 4016
<i>Dublin v. DOC</i>	07 Civ. 4017
<i>Thompson v. DOC</i>	07 Civ. 4018
<i>Bush v. DOC</i>	07 Civ. 4019
<i>Blount v. DOC</i>	07 Civ. 4020
<i>Adames v. DOC</i>	07 Civ. 4021
<i>Williams v. DOC</i>	07 Civ. 5542
<i>Robinson v. DOC</i>	07 Civ. 5888
<i>Dordan v. DOC</i>	[no docket number]

In accordance with Rule 15(c), I have written to Judge Baer requesting the transfer of these cases to Your Honor, with a copy of the letter to the plaintiff, Mr. Bush. I have included a copy of that letter herewith, for the Court's convenience.

I understand that Judge Berman, sitting as the Part I Judge, issued a scheduling order in *Crichlow* (copy attached), requiring defendants to answer or move by August 13, 2007. I would ask that defendants' time to respond to the *Crichlow* complaint be stayed while the transfer matter is sub judice, as it may make sense to consolidate these cases and respond to them, possibly by motion, in a consolidated pleading.

Finally, defendants will be happy to proceed by formal motion, should the Court so require.

Thank you for your consideration of this request.

Very truly yours,



\_\_\_\_\_  
JONATHAN PINES  
Deputy Chief  
General Litigation Division

Encl.

cc: Honorable Harold Baer, Jr.

Kevin Damion Crichlow  
Plaintiff *Pro Se*

Deborah Dorfman  
Assistant Corporation Counsel  
Counsel for Defendants in *Crichlow v. DOC*